

REMARKS

This preliminary Amendment is being filed with a Request for Continued Examination.

Claims 1 and 21-35 have been canceled in the Amendment filed June 22, 2004. Claims 2-20 and 36-104 have been allowed pursuant to the Notice of Allowance dated October 29, 2004. New claim 105 has been added. Applicant respectfully requests reconsideration of the pending claims 2-20 and 36-105.

Claim 105 has been added to particularly point out and distinctly claim the subject matter of applicant's invention. In particular, claim 105 recites an early suppression fast response ("ESFR") pendent-type fire protection sprinkler that includes, *inter alia*, a deflector. The deflector defines at least two grouping of slots disposed about a deflector axis. Each of the grouping of slots includes at least two slots. Each of the slots in each grouping extends from the first surface through the deflector, and from slot openings at an outer peripheral edge of the deflector inwardly from the peripheral edge toward the deflector axis. Each slot of one grouping of the at least two grouping of slots has a first width generally transverse to a first radial length extending perpendicular to the deflector axis. Each slot of another grouping of the at least two grouping of slots has a second width different than the first width and generally transverse to a second radial length extending perpendicular to the deflector axis that is different than the first radial length. Support for this amendment is provided by the originally-filed application at, for example, pages 17-19, and in Figures 5 and 5A.

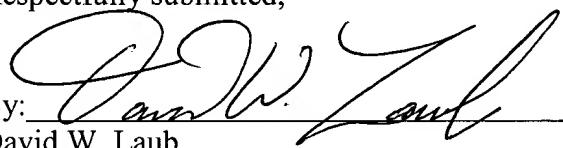
Claim 105 is patentably distinct over U.S. Patent No. 5,820,532 to Meyer *et al* ("Meyer '532"—as applied in the non-final Office Action dated February 9, 2004—because Meyer '532 shows and describes that the preferred embodiment of the disclosed ESFR sprinkler utilizes slots that have generally the same width and radial length instead of at least two groupings of at least two slots in each grouping, and each of the at least two slots of one grouping has different transverse widths and radial lengths (with respect to a deflector axis) from the at least two slots of the other grouping of slots. For example, as shown in Figure 4 of Meyer '532, deflector 60 provides a plurality of slots 64 that each have the same width generally transverse with respect to a centerline or radial length of each slot extending generally perpendicular to a deflector axis A. The radial length of each slot 64 of Meyer '532 is also the same. Accordingly, claim 105 is also patentable over Meyer '532 for at least these reasons.

In view of the foregoing, applicant respectfully submits that the pending claims 2-20 and 36-105 are in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the examiner is respectfully requested to contact the undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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